



# **CITY OF HAYWARD**

## **AGENDA REPORT**

AGENDA DATE 01/09/01

AGENDA ITEM 5

WORK SESSION ITEM           

**TO:** Mayor and City Council

**FROM:** Director of Community and Economic Development

**SUBJECT:** Text Change Application 00-140-02 - Michael Bradley, Avis Rent-A-Car (Applicant) – Request for a Text Amendment to Allow Car Rental Agencies as an “Administrative Conditional Use” in Neighborhood Commercial (CN) Zoning Districts

Administrative Use Permit Application 00-150-37 - Michael Bradley, Avis **Rent-A-Car** (Applicant)/Toro Development Company (Owner) – Request to Allow a Car Rental Agency in Fairway Park Shopping Center

### **RECOMMENDATION:**

The Planning Commission (7:0) and staff recommend adoption of the negative declaration, approval of the text change and the administrative use permit, and introduction of the attached ordinance.

### **DISCUSSION:**

Currently car rental agencies are permitted only in Industrial District, the Central City – Commercial District, and in the General Commercial zoning district, the district that has traditionally served “auto row” and that permits the more intense commercial activities than in the Neighborhood Commercial zoning district. However, according to the applicant, their customer base extends into neighborhoods as many of their clients are local residents using vehicles for personal reasons as well as business trips. They indicate that in other communities many car rental agencies locate in shopping centers as a convenience for their customers. For this reason, Avis Rent-A-Car is seeking to amend Hayward’s Zoning Ordinance to provide an opportunity for car rental agencies to be considered in the Neighborhood Commercial District on a case-by-case basis, that is, subject to an administrative use permit.

In order to provide the most expeditious response to the applicant regarding the applications for the text change and the administrative use permit, they have been combined for City Council’s consideration.


With regard to the use permit application, Avis is seeking approval for their car rental agency on the southwest side of the Fairway Park Shopping Center (in the back, toward Gresel Street) in

order to be conveniently located for their customer base. Their rental vehicles would be out of sight of motorists and would not take up parking spaces used by the customers of the retailers. The terms of the lease with the shopping center would limit the number of parking stalls used by the car rental agency to fifteen, although many of the vehicles would not be parked there as they would be rented. The vehicles would be serviced at nearby facilities (there is a car wash within the shopping center). The hours of operation are 8:00 a.m. to 5:30 p.m., so noise associated with the use should not be a significant factor to those who reside nearby. (Please note that the conditions of approval for the Fairway Park application allow the hours to be from 7:30 a.m. to 6:00 in order to provide for future expansion of hours.)

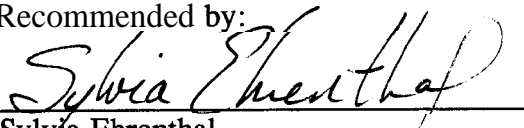
The products and services intended in the Neighborhood Commercial district are those primarily represented by convenience goods and services purchased frequently. Nonetheless, retail uses are permitted in the CN district that, although not purchased frequently (such as carpet and furniture stores), are not intensive in nature (such as major auto repair). Car rental agencies are currently permitted in shopping centers in nearby cities, including Fremont, Newark and San Ramon.

During the Planning Commission hearing, a representative of the Fairway Park Neighborhood Association expressed support for the application (see attached letter of December 4, 2000), but indicated there were reservations about adequate security for the stored vehicles. He expressed concern that additional lighting would impact adjacent residents and that the use of fencing could be unattractive. The applicant indicated that he has no immediate plans for additional security measures, as he believes that the Fairway Park area is a safe area. (Please note that conditions of approval require Planning Director approval of security measures.) In their action recommending approval of the applications, the Planning Commission indicated that the issues raised by the Fairway Park Neighborhood Association had been adequately addressed by the conditions of approval.

Prepared by:

  
Dyana Anderly, AICP  
Planning Manager

Recommended by:

  
Sylvia Ehrenthal  
Director of Community and Economic Development

Approved by:

  
Jesús Armas, City Manager

Attachments:

- Exhibit A – Negative Declaration
- Exhibit B – Draft Planning Commission Minutes of December 14, 2000
- Exhibit C – Draft Zoning Ordinance Amendment
- Exhibit D – Findings for Approval of Text Amendment
- Exhibit E – Findings and Conditions of Approval for Administrative Use Permit
- Exhibit F – Area Map for Administrative Use Permit
- Exhibit G – Site Plan for Administrative Use Permit
- Exhibit H – Letter from Fairway Park Neighborhood Association dated December 4, 2000
- Draft Resolution



DEPARTMENT OF  
COMMUNITY AND ECONOMIC DEVELOPMENT  
Planning Division

EXHIBIT A

NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that **no significant effect** on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

**I. PROJECT DESCRIPTION:** Text Change Application 00-140-02, Avis Rent-A-Car (Applicant), Request to amend Section 10-1.820.a.(2) of the Hayward Zoning Ordinance in order to allow car rental agencies in the Neighborhood Commercial (CN) Zoning District.

**II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:**

The proposed project, as conditioned, will have no significant effect on the area's resources, cumulative or otherwise.

**III. FINDINGS SUPPORTING DECLARATION:**

1. The project application has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.
2. The project provides for review of applications for car rental agencies in the Neighborhood Commercial zoning district. The use permit process associated with specific car rental agency proposals provides the mechanism to ensure that there is compatibility City policies and between each car rental agency and surrounding uses,
3. Because the auto rental business could be located within a wider range of areas in Hayward, there will be a small decrease in vehicle trips.
4. Vehicle washing, fueling, and general maintenance will be addressed as part of the use permit review process for each individual use permit application to ensure that there is no significant impact on storm water drainage or hazardous materials issues associated with individual projects.

Dated: November 13, 2000

**IV. COPY OF INITIAL STUDY IS ATTACHED**

For additional information, please contact the City of Hayward Planning Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4214

**DISTRIBUTION/POSTING**

Provide copies to project applicants and all organizations and individuals requesting it in writing and to the local agency serving the physically disabled.

Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.

Project file.

Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.

**DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT**  
**Planning Division**

**INITIAL STUDY CHECKLIST FORM**

**Project title:** **Permit Application No. 00-140-02, Avis' Rent-A-Car (Applicant)** – Request to amend Section 10-1.820a.(2) of the Hayward Zoning Ordinance in order to allow car rental businesses in the Neighborhood Commercial zoning district.

**Lead agency name and address:** City of Hayward, 777 "B" Street, Hayward, CA 94541-5007

**Contact persons and phone numbers:** Dyana Anderly, AICP, Planning Manager (510) 583-4214

**Project location:** City-wide within Neighborhood Commercial (CN) zoning districts.

**Project sponsor's name and address:** Michael Bradley for Avis Rent-A Car  
513 Eccles Avenue, South San Francisco, Ca 94080

**General Plan:** Commercial

**Zoning:** Neighborhood Commercial (CN)

**Description of project:** Currently, car rental agencies are permitted in the General Commercial zoning district and not within the more neighborhood-oriented commercial district (CN). Avis Rent-A-Car is pursuing clients at the neighborhood level and finds it to be appropriate to be located near its market area. They are therefore seeking an amendment to Hayward's Zoning Ordinance to allow car rental agencies as an administratively permitted use permit in the CN District. If adopted, consideration of proposals for car rental agencies in the Neighborhood Commercial District would be accomplished administratively on a case-by-case basis.

**Surrounding land Uses and setting:** Land uses surrounding Neighborhood Commercial Districts vary, but are generally residential or commercial in nature. There are no specific settings associated with this requested Zoning Ordinance amendment.

**Other public agencies whose approval is required:** None

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

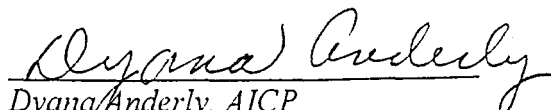
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

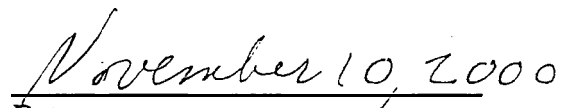
<input type="checkbox"/> Land Use and Planning	<input type="checkbox"/> Transportation/Circulation	<input type="checkbox"/> Public Services
<input type="checkbox"/> Population and Housing	<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Utilities and Service Systems
<input type="checkbox"/> Geological Problems	<input type="checkbox"/> Energy and Mineral Resources	<input type="checkbox"/> Aesthetics
<input type="checkbox"/> Water	<input type="checkbox"/> Hazards	<input type="checkbox"/> Cultural Resources
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Recreation
<input type="checkbox"/> Mandatory Findings Of Significance		

## DETERMINATION: (to be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- c)** I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☒ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

  
Dyana Anderly, AICP  
Planning Manager

  
Date

## ENVIRONMENTAL IMPACTS:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. LAND USE AND PLANNING.</b> <i>Would the proposal:</i>				
a) Conflict with general plan designation or zoning?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Car rental agencies in the Neighborhood Commercial zoning district are presently not permitted. Adoption of this amendment to the Zoning Ordinance would remedy the inconsistency. The Neighborhood Commercial zoning district typically provides products and services that are represented by convenience goods and services purchased. The project proponent contends that the car rental market has extended to the residential areas whereas in the past persons conducting business were the primary clients of car rental agencies.</p> <p>Hayward's General Policies Plan addresses city image, circulation, housing and neighborhood preservation, economic development, environmental concerns, human resources, open space and recreation, and urban design. The Zoning Ordinance amendment does not conflict with the General Policies Plan since these issues would be addressed on a case-by-case basis as applications for specific sites are considered.</p>				
b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be incompatible with existing land use in the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>The use permit process associated with the review of specific car rental proposals provides the mechanism to ensure that there is compatibility between each car rental agency and surrounding uses.</p>				
d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Disrupt or divide the physical arrangements of an established community (including a low-income or minority community)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**II. POPULATION AND HOUSING.** *Would the proposal:*

a) Cumulatively exceed official regional or local population projections?	<input type="checkbox"/>	<input type="checkbox"/>	<i>cl</i>	<i>El</i>
b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	<i>cl</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace existing housing, especially affordable housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**III. GEOLOGIC PROBLEMS.** *Would the proposal result in or expose people to potential impacts involving:*

a) Fault rupture?	<i>cl</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Hayward is located on the eastern edge of San Francisco Bay in the Coast Ranges Geologic Province. The Coast Ranges are described as northwesterly/southeasterly trending ridges of granitic, metavolcanic and metasedimentary rocks. The San Francisco Bay is a broad, shallow depression within the Coast Ranges, and is made up primarily of alluvial materials including gravel, sand, silt and clay.

All structures built in conjunction with a car rental agency will be designed in accordance with applicable seismic provisions of the building codes.

The proposed amendment to the Zoning Ordinance will not result in or expose people to potential impacts due to fault rupture.

b) Seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Historically the Hayward area has been subject to intense seismic activity. Hayward will likely be subjected to strong ground shaking from a major earthquake on the Hayward, San Andreas or Calaveras faults or other active faults in the Bay Area.

Any structures built in conjunction with a car rental agency will be built to the most recent Uniform Building Code regulations.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Seismic ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ground shaking can be expected during a moderate to severe earthquake, which is common to virtually all development in the general region. Liquefaction issues will be addressed on a case-by-case basis as use permits for specific locations are considered.				
d) Seiche, tsunami, or volcanic hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Landslides or mudflows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Erosion, changes in topography or unstable soil conditions from excavation, grading or fill?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Subsidence of land?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expansive soils?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Unique geologic or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. **WATER.** *Would the proposal result in:*

a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Drainage and absorption rates will be considered on a case-by-case basis as requests for use permit on specific sites are reviewed.				
b) Exposure of people or property to water related hazards such as flooding?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Changes in the amount of surface water in any water body?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Changes in currents, or the course or direction of water movements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Altered direction or rate of flow of groundwater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Impacts to groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Substantial reduction in the amount of groundwater otherwise available for public water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. **AIR QUALITY.** *Would the proposal:*

a) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
By locating car-rental agencies nearer to the consumer could have a small savings on air quality by reducing length of trips.				
b) Expose sensitive receptors to pollutants?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
See comment under V.a.				
c) Alter air movement, moisture, or temperature, or cause any change in climate?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VI. TRANSPORTATION/CIRCULATION.</b>				
<i>Would the proposal result in:</i>				
a) Increased vehicle trips or traffic congestion? Because the proposal involves locating car rental agencies in proximity to the consumer, no increase in vehicle trips or in lengths of vehicles trips are anticipated.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Inadequate emergency access or access to nearby uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Insufficient parking capacity onsite or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Hazards or barriers for pedestrians or bicyclists?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
g) Rail, waterborne or air traffic impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>VI. BIOLOGICAL RESOURCES. <i>Would the proposal result in impacts to:</i></b>				
a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)? Impacts on threatened or rare species or their habitats will be examined on a case-by-case basis as applications for use permit for car rental agencies are considered.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Locally designated species (e.g., heritage trees)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d) Wetland habitat (e.g., marsh, riparian, and vernal pool)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e) Wildlife dispersal or migration corridors?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VIII. ENERGY AND MINERAL RESOURCES.</b>				
<i>Would the proposal:</i>				
a) Conflict with adopted energy conservation plans?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Use nonrenewable resources in a wasteful and inefficient manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>IX. HAZARDS. <i>Would the proposal involve:</i></b>				
a) A risk or accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation)?  Vehicle washing and general maintenance will be addressed on a case-by-case basis as use permits for specific locations are reviewed for compliance with regulations relating to hazardous substances.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Possible interference with an emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) The creation or any health hazard or potential health hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Increased fire hazard in areas with flammable brush, grass, or trees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>X. NOISE. <i>Would the proposal result in:</i></b>				
a) Exposure of people to severe noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XI. PUBLIC SERVICES. <i>Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:</i></b>				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
The proposed project will have no significant effect upon, or result in only a minimal need for new or altered government services in fire and police protection, maintenance of public facilities, including roads, and in other government services.				
b) Police protection?	See	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
See comment under XI a.				
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other government services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## **XII. UTILITIES AND SERVICE SYSTEMS.**

*Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:*

a) Power or natural gas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Communications systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Local or regional water treatment or distribution facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Sewer or septic tanks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Storm water drainage?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Solid waste disposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Local or regional water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## **XIII. AESTHETICS.** *Would the proposal:*

a) Affect a scenic vista or scenic highway?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a demonstrable negative aesthetic effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Aesthetic impacts of specific proposals for car rental agencies will be considered on a case-by-case basis as individual use permit applications are reviewed. City of Hayward Design Guidelines are imposed upon development in Hayward. The amendment to the Zoning Ordinance in itself will not have a significant negative aesthetic impact.				
c) Create light or glare? Impacts from light or glare will be considered as specific proposals for car rental agencies are considered on a case-by-case basis as individual use permit applications are reviewed. City of Hayward Design Guidelines are imposed upon development in Hayward. The amendment to the Zoning Ordinance in itself will not have a significant negative light or glare.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XIV. CULTURAL RESOURCES.** *Would the proposal:*

a) Disturb paleontological resources? .Impacts on paleontological resources will be considered as specific proposals for car rental agencies are considered on a case-by-case basis as individual use permit applications are reviewed. The amendment to the Zoning Ordinance in itself will not have a significant impact on paleontological resources..	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Disturb archaeological resources? See comment under XIV a.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have the potential to cause a physical change that would affect unique cultural values? See comment under XIV a.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Restrict existing religious or sacred uses within the potential impact area? See comment under XIV a.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XV. RECREATION, <i>Would the proposal:</i></b>				
a) Increase the demand for neighborhood or regional parks or other recreational facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Affect existing recreational opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XVI. MANDATORY FINDINGS OF SIGNIFICANCE.**

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have the potential to achieve short-term to the disadvantage of long-term, environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Does the project have environmental effects, which will cause substantial adverse effects on human being, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XVII. EARLIER ANALYSES.**

- a) Earlier analyses used.  
None.
- b) Impacts adequately addressed.  
Yes.

## **~~PUBLIC HEARINGS~~**

- ~~1. Use Permit 00-160-19 – Yemane Tsegay (Applicant) / Alfred Antonini (Owner):~~**  
~~Request to Establish a Jazz/Dance Facility Within an Existing Commercial Building – The Property is Located at 1004 B Street at Main Street in a CC-P/C (Central City – Plaza/Commercial) District~~

The item was continued at the request of the applicant.

- 2. Text Change Application 00-140-02 – Michael Bradley, Avis Rent-A-Car (Applicant):**  
Request for a Text Amendment to Allow Car Rental Agencies as an “Administrative Conditional Use” in Neighborhood Commercial (CN) Zoning Districts

**Administrative Use Permit Application 00-150-37 – Michael Bradley, Avis Rent-A-Car (Applicant) / Toro Development Company (Owner):** Request to Allow a Car Rental Agency in Fairway Park Shopping Center

Planning Manager Anderly described the location and the application and indicated that a change in the zoning text would be needed. She asked the Commission to approve both applications concurrently in order to save time for the applicant. She said the usual problem of parking for the rental cars is not in evidence in this case since there is nominal parking in the rear of the stores. This is an overflow area, which is seldom used. The Avis business would use fifteen stalls to store the rental cars. Customers would enter the front of the store to fill out paperwork, then proceed to the rear to pick up a car. She noted that the Fairway Park Neighborhood Association comments and conditions had been applied to the Conditions of Approval for the business, with the exception of the hours of operation. Staff allowed the hours to be extended to 7:30 a.m. and 6:00 p.m. in order to allow customers needing autos the extra time to make arrangements around work schedules. The business would take advantage of the two car wash operations nearby to clean out cars for customer use. There would be no maintenance at the site of the business.

The Public Hearing Opened at 7:48 p.m.

Ron Peck, 1260 B Street #350, speaking for the applicant, described a number of locations where car rental agencies had gone into neighborhoods for the convenience of customers. He said this is a trend in this business and Hayward should step forward toward accepting this reality. He noted that the U-Haul business is not authorized at this shopping center. This business is asking permission. The business would take advantage of the two car wash operations nearby to clean out cars for customer use. There would be no maintenance at the site of the business.

Yvonne Critzer, 26937 Halifax Place, representing the owners of the shopping center, described other shopping centers with Avis in them, which seem to function very well. She said the signage is provided by the shopping center. Any other signs will have to go through the City permit process.





William Weller, 28564 Cole Place, speaking for the Fairway Park Homeowners Association, said most of their concerns were covered in the Conditions of Approval. However, he expressed concern about security at the site. He indicated that perhaps the cars should be fenced in somehow, just to protect them from graffiti and physical damage.

Michael Bradley, 790 Sunset Avenue, Suisun, applicant, said security should not be a problem in this kind of neighborhood. He said they would go with what **they** have presented at this point. He responded to Commissioner Bogue's questions about using the car wash for cleaning the cars. He said ideally they would like to clean out the cars on site, but with the proximity of both car wash facilities, there should be no problem.

Chairperson Caveglia closed the public hearing at 7:58 p.m.

Commissioner Williams said staff had covered most of his concerns. He suggested Avis might want to look at the security precautions taken by the car lots along Mission. He **moved**, seconded by Commissioner Sacks, the staff recommendation.

Commissioner Halliday confirmed that condition 7, from the Fairway Park Neighborhoods Association could not be met. It would require an annual review for conformity of business conditions. She was told that any problems could be brought to the City for investigation by anyone who might be affected.

Commissioner Thnay said he thought this would be a good addition to the Fairway Park neighborhood. He suggested that the businesses in the Center be notified of which of the 15 spaces would be used by Avis. They might even be marked for Avis only.

Commissioner Zermeno said this would be good for south Hayward.

Commissioner Sacks suggested the applicant do a general notification for businesses in the area. She added that this would be a fine addition to the City.

Ms. Critzer added that the shopping center would paint spaces marking the Avis area.

The **motion passed unanimously.**

- ~~3. **Appeal of Denial of Administrative Use Permit and Parking Exceptions Application No. 00-150-36 – Tonja Williamson (Applicant) / Willie and Barbara Merritt (Owners):** Request to Establish a Childcare Center for up to 24 Children and Exceptions to Off-Street Parking Regulations to Reduce the Required Number of On-site Parking Stalls to 4 Where 6 are Required, and to Allow Vehicles to Back into the Street (Forward Motion Required) – The Property is located at 694 Corrine Street, at the Northwest Corner of Corrine and Chicoine Streets in a Single-Family Residential (RS) District~~

DRAFT ZONING ORDINANCE AMENDMENT  
TEXT CHANGE NO. 00-140-02

SEC.10-1.820 CONDITIONALLY PERMITTED USES

a. Administrative Uses

(2) Automobile Related Uses

(a) Parking Lot

(b) *Car Rental Agency*

FINDINGS FOR APPROVAL  
OF  
DRAFT ZONING ORDINANCE AMENDMENT  
TO ALLOW CAR RENTAL AGENCIES IN THE  
NEIGHBORHOOD COMMERCIAL ZONING DISTRICT  
TEXT CHANGE NO. 00- 140-02

- A. Approval of Text Change Application No. 00-140-02 will have no significant impact on the environment, cumulative or otherwise, and the Negative Declaration prepared for this project is in conformance with the provisions of the California Environmental Quality Act.
- B. That substantial proof exists that the proposed text change to allow car rental agencies in the Neighborhood Commercial District will promote the public health, safety, convenience, and general welfare of the residents of Hayward by providing a service in proximity to the customer base;
- C. That the proposed text change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans in that use permit will be required for individual applications for car rental agencies to insure that the intensity of the use is in conformance with the purposes of the Neighborhood Commercial District;
- D. That streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified in that all considerations for car rental agencies are subject to approval of an administrative use permit which provides the opportunity to ensure that all public facilities are adequate to serve each use; and
- E. That car rental agencies in the Neighborhood Commercial District will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations in that car rental agencies will be situated in areas that are more convenient to many of the consumers and a use permit is required for each application for a car rental agency to ensure compatibility.

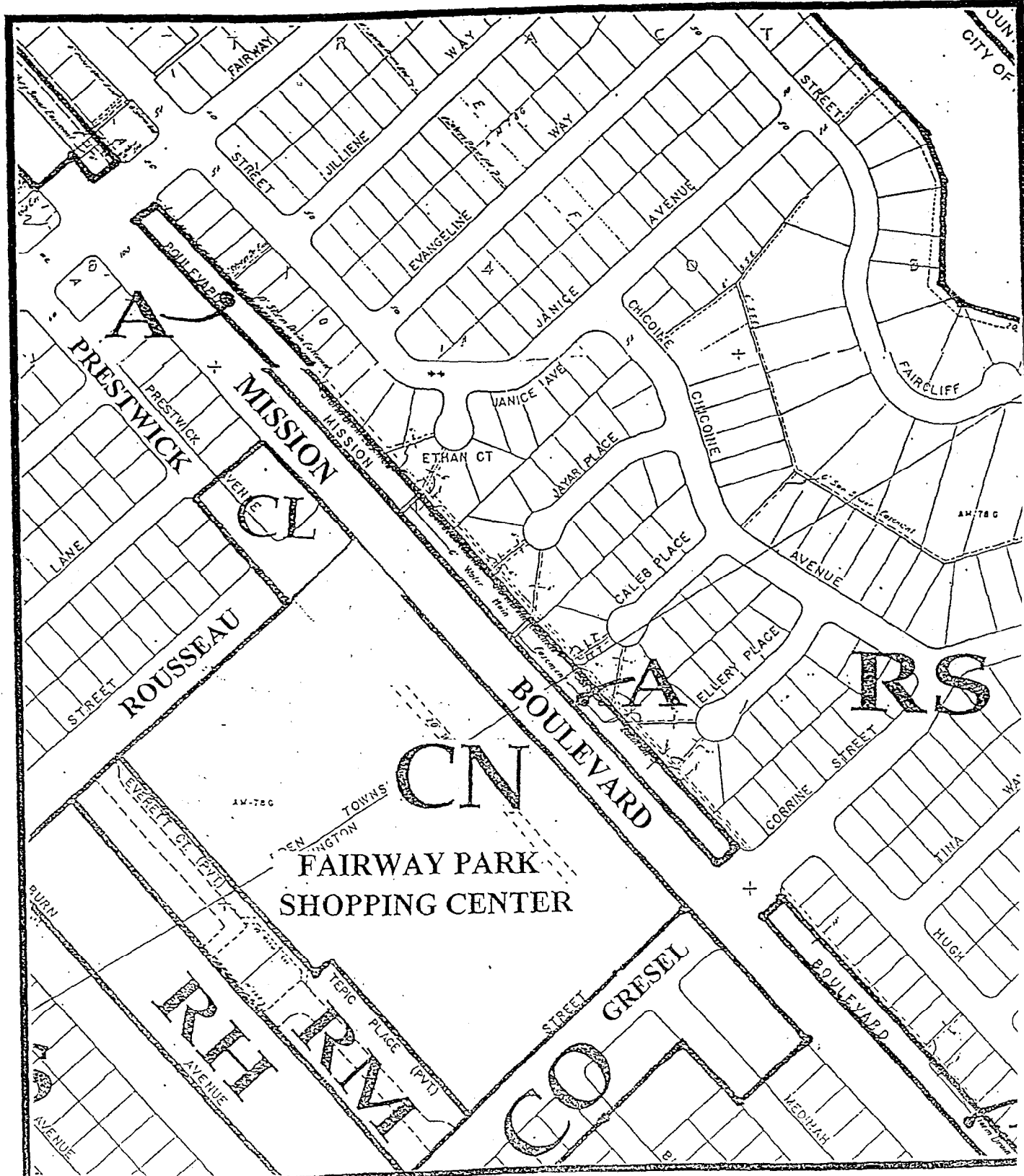
FINDINGS FOR APPROVAL  
OF  
ADMINISTRATIVE USE PERMIT APPLICATION 00- 150-37  
TO ALLOW A CAR RENTAL AGENCY IN THE  
FAIRWAY PARK SHOPPING CENTER

- a. That approval of Use Permit Application No. 00-150-37 will have no significant impact on the environment, cumulative or otherwise, and the project is **except** from environmental review per Section 15332 of the California Environmental Quality Act.
- b. That the proposed car rental agency is desirable for the public convenience or welfare in that it is close to the customer base and be located within a shopping center, with vehicles parked out at the back of the shopping center out of sight of the general public;
- c. That the proposed car **rental** agency will not impair the character and integrity of the zoning district and surrounding area in that the maximum number of parking stalls to be used by the agency is fifteen and the vehicles will not take up spaces used by customers of the retail businesses in the shopping center and the agency will store vehicles at the back of the shopping center, not visible to the general public.
- d. That the proposed car rental agency will not be detrimental to the public health, safety, or general welfare, particularly since vehicle maintenance will not occur at the location where vehicles are stored; and
- e. That the proposed car rental agency is in harmony with applicable City policies and the intent and purpose of the zoning district involved in that it is low in intensity and will serve those in the adjoining neighborhoods.

CONDITIONS OF APPROVAL  
OF  
ADMINISTRATIVE USE PERMIT APPLICATION 00-150-37  
TO ALLOW A CAR RENTAL AGENCY IN THE  
FAIRWAY PARK SHOPPING CENTER

AUP APPLICATION NO. 00-150-37

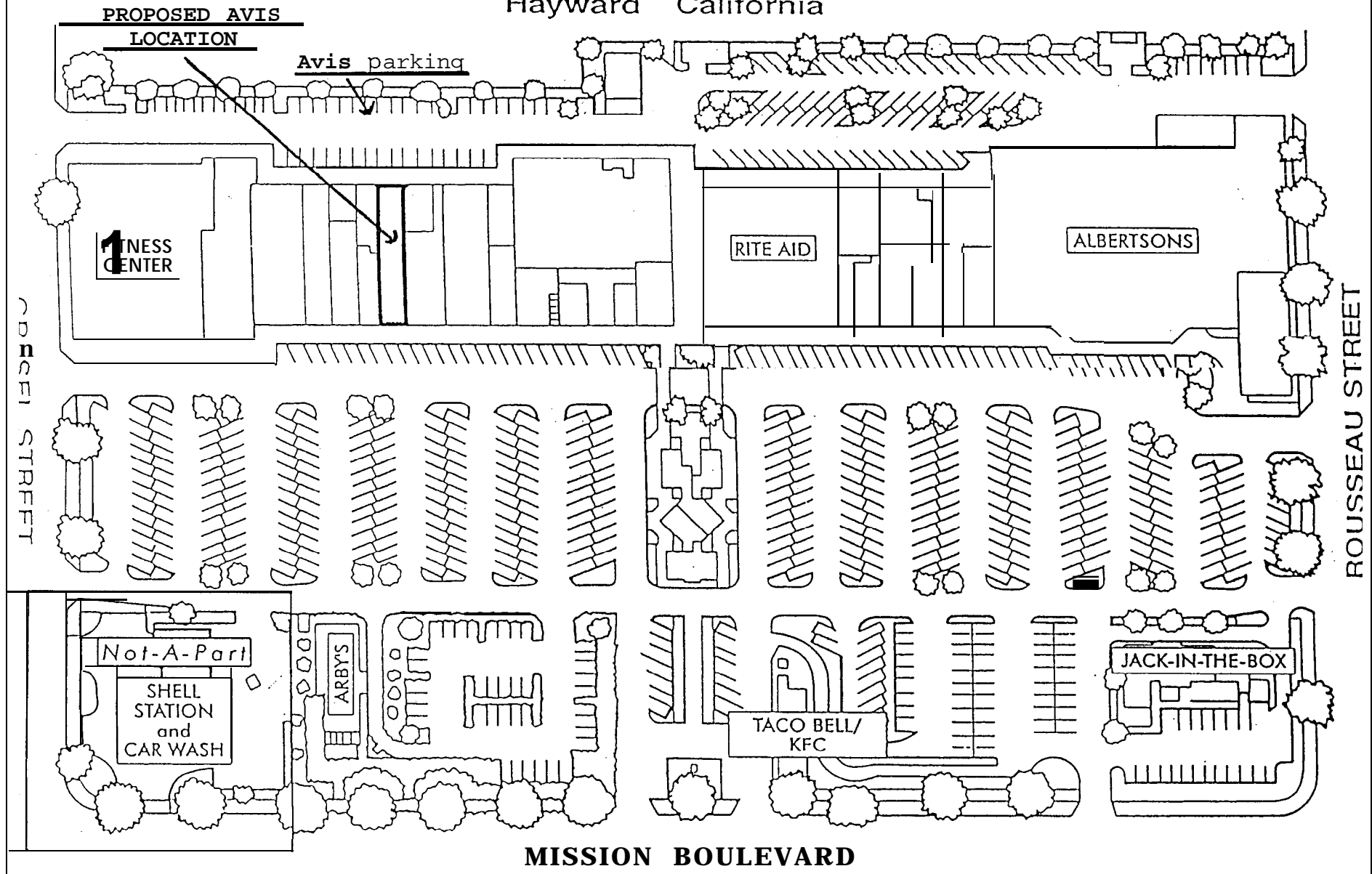
1. That Administrative Use Permit Application No. 00 150-37 to allow a car rental agency at the Fairway Park Shopping Center shall be according to the plans approved by the City Council on January 9, 2001, labeled Exhibit "A." This approval is void one year after the effective date of approval unless the operation is begun in accordance with all required conditions of approval. Any modification to the approved plans shall require review and approval by Planning Director
2. Prior to the issuance of a sign permit, The applicant/business operator shall not display any illegal banner signs, portable signs or other illegal signs on the property.
3. The hours of operation are limited to between 7:30 a.m. and 6:00 p.m.
4. A minimum of fifteen parking stalls shall be authorized for storage of vehicles for rent. Additional stalls may be made available at the discretion of the Planning Director.
5. All parking stalls for storage of vehicles for rent shall be located as depicted on Exhibit A.
6. No vehicle maintenance (including repair, washing and vacuuming) shall occur on site.
7. Security measures employed in the vicinity of the parked rental vehicles shall first be approved by the Planning Director. These include, but are not limited to, decorative fencing, alarms, and lighting.
8. Noise levels measured at the property line shall not exceed the level of background noise normally found in the area. Car radios shall not be played so as to be heard by neighboring residents.
9. Violation of these conditions is cause for revocation of permit after public hearing before the duly authorized review body.



## AREA/ZONING MAP

AUP 00-150-37 ■ Avis Rent-A-Car (Applicant)/Toro Development Co. (Owner)  
 ■ 31147 Mission Boulevard

**FAIRWAY PARK SHOPPING CENTER,**  
Hayward California



# *Fairway Park Neighborhoods Association*

December 4, 2000

Dyana Anderly, Planning Manager  
777 "B" Street  
Hayward, CA 94541

Re: TC 00-140-02/AUP 00-150-39  
Avis Rent-A-Car (Applicant/Owner)

Dyana Anderly:

After reviewing the proposal concerning a text amendment to allow car rental agencies as an "administrative conditional use" in Neighborhood Commercial Zoning Districts, we decided to ask opinions of the community and members of the association. Our findings are the following:

The neighborhood association could support the amendment providing the following conditions are met.

- 1) That there never be more than 12 vehicles associated with this particular operation.
- 2) No front parking ever be allowed, all vehicle parking is to be to the rear of the shopping center and concealed as much as possible.
- 3) Where vehicles are parked in the rear, that there not be a chain link fence allowed to secure vehicles. Should a fence be needed it must be attractive and approved by the association.
- 4) Should security lights be needed, they shall not be the "pole" type which would interfere with the neighbors residing in the condo's. Only attractive lighting may be used and not to exceed 8' in height and be pointed away from or shielded from the existing neighbors. Again, should this particular Lighting affect the residents, then another alternative must be sought out.
- 5) Noise levels should always be kept at a minimum. No vacuuming or car washing will take place as it could again potentially disturb the neighbors.
- 6) Limited hours of operation as indicated by Yvonne Critzer to be from about 8 AM - 5:30 PM. At the time of rental, customers are to be made aware of the fact that drop-off must only be between the stated hours.
- 7) Annual CUP review for conformity of business conditions and allow citizens input at this time should there be any outstanding annoy-. Should there be unreasonable disruptions and/or complaints from the community on a regular basis, that the CUP be terminated without appeal.
- 8) Should other neighborhood shopping centers apply for a similar amendment, notification must be sent to each adjacent neighborhood. Comparable restrictions and/or conditions should apply so as to not impact the surrounding neighborhoods. That each request be treated individually as circumstances vary from neighborhood to neighborhood.

Thank you for the notification. If the above stated conditions are met, agreed to and part of the CUP, then the Association feels at this time we will be able to support the proposal. Should you have any questions, please call (510) 4874461 or (510) 471-1521.

Sincerely,

Hector Caraballo, Mimi Bauer, William Weller, Evelyn Cormier and Holly Rogers  
Board of Directors of the Fairway Park Neighborhoods Association



# DRAFT

ORDINANCE NO. \_\_\_\_\_

*me*  
1/3/07

AN ORDINANCE AMENDING SECTION 10-1 .820(a)(2) OF ARTICLE 1 OF CHAPTER 10 OF THE HAYWARD MUNICIPAL CODE TO AUTHORIZE THE ISSUANCE OF AN ADMINISTRATIVE CONDITIONAL USE PERMIT FOR CAR RENTAL AGENCIES IN THE NEIGHBORHOOD COMMERCIAL ("CN") DISTRICT

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

WHEREAS, Text Change Application No. 00-140-02 requests an amendment to Section 10-1 .820 subdivision (a)(2) of the Zoning Ordinance of the City of Hayward, specifically to allow the operation of rental car agencies, subject to administrative use permit review, in the Neighborhood Commercial (CN) Zoning District; and

WHEREAS, the Planning Commission considered the matter and its action thereon is on file in the office of the City Clerk and is hereby referred to for further particulars; and

WHEREAS, a negative declaration has been prepared and processed in accordance with City and CEQA guidelines; and

WHEREAS, the City Council finds and determines that:

1. The approval of Text Change Application No. 00-140-02 will have no significant impact on the environment, cumulative or otherwise, and the Negative Declaration prepared for this text change is in conformance with the provisions of the California Environmental Quality Act.
2. That substantial proof exists that the proposed text change to allow car rental agencies in the Neighborhood Commercial District will promote the public health, safety, convenience, and general welfare of the residents of Hayward by providing a service in proximity to the customer base.
3. That the proposed text change is in conformance with the purposes of this Zoning Ordinance and all applicable, officially adopted policies and plans in that a use permit will be required for individual applications for car rental agencies to ensure that the intensity of the use is in conformance with the purposes of the Neighborhood Commercial District.
4. That streets and public facilities existing or proposed are adequate to serve all

uses permitted when property is reclassified in that all considerations for car rental agencies are subject to approval of an administrative use permit which provides the opportunity to ensure that all public facilities are adequate to serve each use.

5. That car rental agencies in the Neighborhood Commercial District will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations in that car rental agencies will be situated in areas that are more convenient to many of the consumers and a use permit is required for each application for a car rental agency to ensure compatibility.

Section 1. Section 10-1 .820 subdivision (a)(2) of the Hayward Municipal Code relating to conditional uses authorized by administrative permit in the Neighborhood Commercial (CN) Zoning District is hereby amended to read as follows:

**"SEC. 10-1.820 CONDITIONALLY PERMITTED USES.**

- a. Administrative Uses. The following uses are permitted in the OS District subject to approval of an administrative use permit:
  - (2) Automobile Related Uses
    - (a) Parking Lot
    - (b) Car Rental Agency"

~~Section 2.~~ In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective upon its adoption.

INTRODUCED at a regular meeting of the City Council of the City of  
Hayward, held the day of \_\_\_\_\_, 2001, by Council Member \_\_\_\_\_

ADOPTED at a regular meeting of the City Council of the City of Hayward  
h e l d t h e day of \_\_\_\_\_, 2001, by the following votes of members of said City  
Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: \_\_\_\_\_  
Mayor of the City of Hayward

DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk of **the** City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

# DRAFT

HAYWARD CITY COUNCIL

*mae 1/4/01*

RESOLUTION NO.

Introduced by Council Member \_\_\_\_\_

RESOLUTION APPROVING ADMINISTRATIVE USE  
PERMIT APPLICATION NO. 00-150-37 OF MICHAEL  
BRADLEY, AVIS RENT-A-CAR (APPLICANT) AND TORO  
DEVELOPMENT COMPANY (OWNER)

WHEREAS, Text Change Application No. 00-140-02 concerns a request for a text amendment to Hayward Municipal Code Chapter 10, Article 1, the Zoning Ordinance, to authorize the issuance of an Administrative Use Permit for car rental agencies in the Neighborhood Commercial (CN) district; and

WHEREAS, the approval of Text Change Application No. 00-140-02 is necessary in order to enable approval of Administrative Use Permit Application No. O&150-37; and

WHEREAS, Use Permit Application No. 00-150-37 concerns a request to allow a car rental agency on the southwest side of the Fairway Park Shopping Center (in the back, toward Gresel Street) in a Neighborhood Commercial (CN) Zoning District; and

WHEREAS, on December 14, 2000, the Planning Commission reviewed the applications and voted unanimously to recommend approval of the Text Change application and the Administrative Use Permit application; and

WHEREAS, a Negative Declaration has been prepared and processed in accordance with City and CEQA guidelines; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines that the City Council has independently reviewed and considered the information contained in the initial study upon which the Negative Declaration is based, certifies that the Negative Declaration has been completed in compliance with the requirements of the California Environmental Quality Act, and **finds** that the Negative Declaration represents the independent judgment of the City of Hayward.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Hayward hereby finds and determines that:

1. That the proposed car rental agency is desirable for the public convenience or welfare in that it is close to the customer base and located within a shopping

center, with vehicles parked out at the back of the shopping center out of sight of the general public.

2. That the proposed car rental agency will not impair the character and integrity of the zoning district and surrounding area in that the maximum number of parking stalls to be used by the agency is fifteen and the vehicles will not take up spaces used by customers of the retail businesses in the shopping center and the agency will store vehicles at the back of the shopping center, not visible to the general public.
3. That the proposed car rental agency will not be detrimental to the public health, safety, or general welfare, particularly since vehicle maintenance will not occur at the location where vehicles are stored.
4. That the proposed car rental agency is in harmony with applicable City policies and the intent and purpose of the zoning district involved in that it is low in intensity and will service those in the adjoining neighborhoods.

BE IT FURTHER RESOLVED, that, based on the findings noted above, the City Council adopts and approves the Negative Declaration.

BE IT FURTHER RESOLVED that, based on the findings noted above, the City Council hereby approves Administrative Use Permit Application No. O-150-37, subject to the attached conditions of approval.

BE IT FURTHER RESOLVED that this resolution shall become operative on the effective date of the ordinance introduced on January 9, 2001, adopting the text amendment specified in Text Change Application No. 00-140-02.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2001

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward